

ORDINANCE 2020-004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AMENDING MUNICIPAL CODE SECTIONS 1.16.020, 2.16.020, 8.02.070, 10.28.030 AND 15.48.070 REGARDING THE LOCATION OF CITY HALL; REPEALING CHAPTERS 2.24 AND 2.36 REGARDING THE COMMUNITY SERVICES COMMISSION AND DISASTER COUNCIL; REPEALING SECTION 2.04.040 AS REDUNDANT; AND AMENDING SECTION 9.10.100 REGARDING PERMITS TO SELL FIREARMS

THE CITY COUNCIL OF THE CITY OF SAN PABLO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 1.16.020 of the San Pablo Municipal Code is amended in its entirety to read as follows:

1.16.020 Designation of places where notices to be posted.

All notices required by law or by ordinance to be posted shall be posted in the following public places:

San Pablo City Hall, 1000 Gateway Avenue, San Pablo, CA 94806;

San Pablo Branch Library, 13751 San Pablo Avenue, San Pablo, CA 94806;

San Pablo Senior Center, 1943 Church Lane, San Pablo, CA 94806.

SECTION 2. Section 2.04.040 of the San Pablo Municipal Code, "Eligibility requirements – Councilmen," is deleted.

SECTION 3. Chapter 2.24 of the San Pablo Municipal Code, "Community Services Commission," is deleted.

SECTION 4. Chapter 2.36 of the San Pablo Municipal Code, "Disaster Council," is deleted.

SECTION 5. Section 2.16.020 of the San Pablo Municipal Code is amended in its entirety to read as follows:

2.16.020 Place—Open to public—Notice of change of place.

A. Meetings of the city council shall be public and held within the city, except as otherwise authorized by state law.

B. The place of city council meetings shall be the San Pablo City Hall located at 1000 Gateway Avenue, San Pablo, unless changed following required public notice.

SECTION 6. Section 8.02.070 of the San Pablo Municipal Code is amended in its entirety to read as follows:

8.02.070 Notice of hearing on abatement of nuisance.

A. In the event the owner fails, neglects, or refuses to comply with the notice to abate, the code enforcement officer may direct such person to abate such conditions or appear before a Hearing Officer, at a stated time and place, not less than seven (7) days from the date of the notice, to show cause why such conditions should not be abated by the City at such person's expense. The hearing may be continued for good cause. Written notice of such continuance shall be served in the same manner as the Notice of Hearing on Abatement of Nuisance.

B. Form of Notice. Notice shall be in substantially the following form:

NOTICE OF HEARING ON ABATEMENT OF NUISANCE

Hearing Date: _____, _____ p.m.

An initial determination has been made under Chapter 8.02 of the San Pablo Municipal Code, that there exists upon the building, structure, lot or premises located at _____, condition(s) constituting a public nuisance(s) under Section 8.02.020, Subdivision(s) _____ of the Code.

The conditions constituting the nuisance are:

_____.
The methods of abatement available are: _____.

You are hereby notified and directed to abate these condition(s) by repairing, replacing, removing, destroying or otherwise remedying the condition(s) to the satisfaction of the undersigned Enforcement Officer within _____ days of the date of this notice, or, alternatively, to appear at the office of the Hearing Officer located at City Hall, 1000 Gateway Avenue, San Pablo, California, on _____, _____, at _____ o'clock __.m., to show cause, if any you have, why these condition(s) should not be abated by the City and the expenses charged to you as a personal debt and/or made a special assessment and lien upon the premises. In addition, you may be cited for violation of the San Pablo Municipal Code and subject to a fine. All persons having an interest in said matters are notified to attend the hearing, and their testimony and evidence will be given due consideration. Please be advised that once vehicles or other property are abated by the City, they may be destroyed or otherwise disposed of as provided by law.

If you do not attend the hearing or make arrangements for another date, you will have waived your right to a hearing regarding the existence of the nuisance, and the City may abate the nuisance and the expenses thereof will be made a special assessment and lien upon the property.

In accordance with Revenue and Taxation Code Sections 17274 and 24436.5, a tax deduction may not be allowed for interest, taxes, depreciation or amortization paid or incurred in the taxable year if these conditions are not abated.

Dated: _____

Code Enforcement Officer

C. Notice of the hearing shall be served in person or by first class mail, postage prepaid, to the property address and to the owner and other responsible persons to be charged with the duty of abatement at their address as it appears on the last equalized assessment roll of the County. Service shall be deemed complete at the time notice is personally served or deposited in the mail. The address of owners shown on the assessment roll shall be conclusively deemed to be the proper address for the purpose of mailing such notice. Failure of any person to receive notice shall not affect the validity of any proceedings taken hereunder.

D. Posting. The Code Enforcement Officer shall post at least one copy of the notice on the premises in the vicinity of the object or objects constituting the nuisance or in the vicinity of the entrance to any dwelling or other structure on the premises. Said notice shall be posted within one (1) day of service of the notice pursuant to subsection C.

E. Filing. The Code Enforcement Officer shall file a copy of the notice with the hearing officer together with an affidavit or declaration under penalty of perjury stating the time and manner in which such notice was given and posted. The failure of any owner or other responsible person to receive such notice shall not affect in any manner the validity of any proceedings taken hereunder.

SECTION 7. Section 9.10.100 of the San Pablo Municipal Code is amended in its entirety to read as follows:

9.10.100 Liability insurance.

A. No permit shall be issued or continued pursuant to this chapter unless there is in full force and effect a policy of insurance in such form as the City deems proper, executed by an insurance company approved by the City whereby the applicant or permittee is insured against liability for all activities of the permittee, including damage to property and for injury to or death of any person. The minimum liability limits shall not be less than one million dollars (\$1,000,000) combined, single limit personal injury and property damage for each occurrence. The insurance shall be occurrence based insurance. Such policy of insurance shall contain an endorsement providing that the policy will not be canceled until notice in writing has been given to the City, addressed in care of the Chief of Police, 13880 San Pablo Avenue, San Pablo, CA 94806, at least thirty (30) days immediately prior to the time such cancellation becomes effective. Upon expiration of any such policy and if no additional insurance has been secured prior to the expiration in the manner provided

for the initial securing of a permit under this chapter, the permit shall be deemed cancelled without further notice or opportunity to be heard.

B. Such policy of insurance shall name the City, its officers, agents, and employees as additional insured. Additionally, applicant and permittee, as a condition of issuance of any permit under this Chapter, agree to indemnify, defend and hold harmless the City, its officers, agents, and employees, from any claims arising from the operations or activities of the applicant or permittee.

SECTION 8. Section 10.28.030 of the San Pablo Municipal Code is amended in its entirety to read as follows:

10.28.030 Application process.

A. Those persons qualifying as a “terminal” as defined in Section 10.28.040 and requiring terminal access from federally designated highways shall submit an application and appropriate fee to the Public Works Department, City Hall, City of San Pablo, 1000 Gateway Avenue, San Pablo, California 94806.

B. Upon receipt of the application, the director of public works will determine the applicant’s conformance with the terminal designation and if so approved, will then determine the capability of the route requested and/or alternate routes. Capability will be determined by the adequate turning radius and land widths of ramps, intersections, and highways. Also a determinant factor will be general traffic conditions such as sight distance, speed and traffic volumes for safe operations. Access off the federally designated highways will require Caltrans (District 04) approval.

C. If the requested route passes through several jurisdictions (i.e., county or other municipality), applicant shall comply with that jurisdiction’s application process. Coordination will be the responsibility of the entity which controls the terminal’s land use.

SECTION 9. Section 15.438.070 of the San Pablo Municipal Code is amended in its entirety to read as follows:

15.48.070 Notice of hearing before city council.

If the owner of the building or structure does not comply with the notice prescribed by Section 15.48.020 by making a timely choice between demolition and repair, and by commencing and completing the required work within the time allowed, or make such other arrangement as may be satisfactory to the building official, the building official shall set a date with the city clerk and have the following notice, or one substantially similar, sent by certified mail, postage prepaid, return receipt requested, to the owner, as well as a mortgage holder, deed of trust holder, beneficiary, or holder of any other lien, encumbrance, estate, or legal interest of record as to the building or structure, as disclosed by the preliminary title report obtained pursuant to Section 15.48.020. The notice shall be posted and an affidavit of posting and mailing shall be filed. The failure of any owner or other person to receive such notice shall not affect in any manner the validity of the proceedings

taken pursuant to the notice. The cost of the title report shall be charged to the owner in the same manner and using the same procedure as all other costs incurred by the city that are to be charged to the owner as set forth in this section. The heading of the following notice shall be in letters at least three-fourths of an inch high.

NOTICE TO ABATE NUISANCE

The owner of the building situated at _____ is hereby notified to appear before the City Council of the City of San Pablo at its meeting to be held _____, 20__, at the Council Chambers, 1000 Gateway Avenue, San Pablo, CA at the hours of _____ or as soon thereafter as the item may be heard and shall show cause, if any, why (the building) (the following portion of the building: _____) should not be declared to be a public nuisance, and the nuisance be abated by razing, demolishing and removing the building, or by rehabilitation and repair of the (building) (portion of the building), and charging the costs to the owner.

DATE: _____

Building Official

By: _____

SECTION 10. **CEQA.** This ordinance is exempt from the provisions of the California Environmental Quality Act, (CEQA) as the activity is not a project under CEQA pursuant to Guidelines Section 15378(b)(5): Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment. The City Manager is directed to ensure that a notice of exemption is filed immediately with the County Clerk.

SECTION 11. **Severability.** If any sections, subsections, sentences, clauses, phrases or portions of this ordinance are for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause of this ordinance whether or not any one or more sections, subsections, phrases or clauses may be declared invalid or unconstitutional on their face or as applied.

SECTION 12. **Effective Date; Publication.** This ordinance shall become effective thirty (30) days following its adoption. The City Clerk's Office shall publish and post the ordinance in accordance with California Government Code section 36933.

First read at a regular meeting of the City Council of the City of San Pablo on March 2, 2020, and finally passed and adopted at a regular meeting of said City Council held on March 16, 2020, by the following vote:

AYES:	COUNCILMEMBERS:	Kinney, Pineda, Xavier and Cruz
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Pabon-Alvarado
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST:

APPROVED:

/s/ Lehny M. Corbin

Lehny M. Corbin, Deputy City Clerk

/s/ Arturo M. Cruz

Arturo M. Cruz, Mayor